

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 3:21-CR-33-6
(KLEEH)**

STEPHANY RODRIGUEZ,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 1042] AND
DENYING MOTION TO SUPPRESS [ECF NO. 561]**

On November 17, 2021, Defendant Stephany Rodriguez ("Defendant") filed a motion to suppress [ECF No. 561]. The Government filed a response in opposition [ECF No. 581]. On June 15, 2022, pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the motion to United States Magistrate Judge Robert W. Trumble (the "Magistrate Judge") for a report and recommendation ("R&R"). On September 9, 2022, the Magistrate Judge entered an R&R recommending that the Court deny the motion.

The R&R informed the parties that they had fourteen (14) days from the date of service of the R&R to file "specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned them that the "[f]ailure to timely file written objections . . . shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by

USA V. RODRIGUEZ

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the Circuit Court of Appeals.” To date, no objections have been filed.

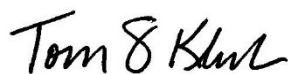
When reviewing a magistrate judge’s R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, “the Court may adopt, without explanation, any of the magistrate judge’s recommendations” to which there are no objections. Dellarciprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 1042]. The motion to suppress is **DENIED** [ECF No. 561].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: September 26, 2022



THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA